

103^D CONGRESS
1ST SESSION

H. R. 2257

To direct the heads of Federal agencies to provide local resident hiring preferences in carrying out construction projects.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 1993

Mr. POSHARD introduced the following bill; which was referred to the
Committee on Government Operations

A BILL

To direct the heads of Federal agencies to provide local resident hiring preferences in carrying out construction projects.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. LOCAL HIRING PREFERENCE.**

4 (a) INCLUSION IN CONTRACTS.—The head of each
5 Federal agency shall include in each contract entered into
6 for carrying out a construction project a provision requir-
7 ing the contractor to ensure that preference in hiring for
8 work under the contract is given to qualified persons who
9 regularly reside in the area where the project is situated;
10 except—

1 (1) to the extent that qualified persons regu-
2 larly residing in the area are not available;

3 (2) for the reasonable needs of the contractor
4 or subcontractor to employ supervisory or specially
5 experienced individuals necessary to assure execution
6 of the contract; or

7 (3) for the obligation of the contractor or sub-
8 contractor to offer employment to present or former
9 employees as the result of a lawful collective bar-
10 gaining agreement if the number of such employees
11 does not exceed 20 percent of the total number of
12 employees employed by the contractor or subcontrac-
13 tor for purposes of carrying out work under the
14 contract.

15 (b) IDENTIFICATION OF AREA; RESIDENCY GUIDE-
16 LINES.—For purposes of subsection (a), the Secretary of
17 Labor shall identify the geographic boundaries of each
18 area to which a preference applies and shall establish resi-
19 dency requirements or other guidelines for qualifying as
20 a person who regularly resides in the area.

21 (c) LIST OF AVAILABLE POSITIONS.—Each contrac-
22 tor subject to subsection (a) shall be responsible for fur-
23 nishing a list of all positions for which the contractor or
24 a subcontractor may require laborers, mechanics, or other
25 employees under the contract to the United States Em-

1 ployment Service office in the area in which the water re-
2 sources project is located. The contractor shall furnish the
3 list to the appropriate office prior to initiating work under
4 the contract and shall inform that office of any revisions
5 to the list in a timely manner.

6 (d) CONTRACTOR REPORTS.—

7 (1) DATES OF SUBMISSION.—Each contractor
8 subject to subsection (a) shall submit calendar year
9 quarterly reports to the contracting officer of the
10 concerned Federal agency by the 10th of the month
11 following the end of each quarter of the calendar
12 year.

13 (2) CONTENTS.—The reports shall state the
14 total number of employees employed by the contrac-
15 tor or subcontractor for carrying out work under the
16 contract and shall state the number of employees
17 who regularly reside within commuting distance of
18 the site of the work. If the number of nonresident
19 employees employed by the contractor or any sub-
20 contractor exceeds 20 percent of the total number of
21 employees employed by the contractor or subcontrac-
22 tor, the contractor shall include a statement in the
23 report indicating what steps the contractor has
24 taken or plans to take to increase the number of
25 resident employees.

1 (e) APPLICABILITY.—This section shall apply to all
2 construction projects authorized before, on, or after the
3 date of the enactment of this Act and all contracts entered
4 into to carry out such a project on or after such date of
5 enactment.

6 (f) DEFINITIONS.—For purposes of this Act, the fol-
7 lowing definitions apply:

8 (1) CONSTRUCTION PROJECT.—The term “con-
9 struction project” means any project carried out by
10 a Federal agency in whole or in part with funds ap-
11 propriated from the Treasury of the United States
12 which involves construction (including reconstruc-
13 tion, rehabilitation, or restoration) of any building or
14 facility and includes any water resources project and
15 any project for construction of a public building.

16 (2) FEDERAL AGENCY.—The term “Federal
17 agency” has the meaning the term “executive agen-
18 cy” has under section 105 of title 5, United States
19 Code.

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